DOCUMENT RESUME

ED 094 090 UD 014 460

AUTHOR	McLaughlin, Milbrey W.
TITLE	Implementation of ESEA Title I: A Problem of Compliance. ERIC/IRCD Urban Disadvantaged Series, No. 39.
INSTITUTION	Columbia Univ., New York, N.Y. ERIC Clearinghouse on the Urban Disadvantaged.
SPONS AGENCY	National Inst. of Education (DHEW), Washington, D.C.
PUB DATE	Aug 74
CONTRACT	OEC-0-9-420088-2327
NOTE	32p.
EDRS PRICE	MF-$0.75 HC-$1.85 PLUS POSTAGE
DESCRIPTORS	Board of Education Policy; Compensatory Education Programs; Disadvantaged Youth; Educational Change; Educational Policy; Federal Programs; Federal State Relationship; *Law Enforcement; Policy Formation; Program Development; *Program Evaluation; *Public Policy; *School District Spending
IDENTIFIERS	*Elementary Secondary Education Act Title I; ESEA Title I

ABSTRACT

The passage of Title I of the 1965 Elementary Secondary Education Act embodied not only the high hopes of reformers, but also an implicit challenge. Title I implied that current practices are inadequate, and the schools were given the assignment of self-renewal. However, almost a decade after the passage of Title I, the general verdict is that educators have not successfully met that challenge--that Title I has failed as an instrument of national policy. But it is possible that Title I programs, as they have been evaluated, have never existed--that Title I has not yet been implemented as intended by reformers. There are four factors which are assumed to promote compliance to policy directives: goals, an incentive system, information feedback, reliable knowledge about effective strategies, and effective authority. Weakness in any one aspect is likely to undermine the others; in the instance of Title I, each was deficient or unstable in some respect. Thus the more immediate, and possibly more difficult, task for federal educational policy makers is not just the identification of more effective educational treatments, but the formulation of incentives which encourage local districts to establish "special educational programs for the disadvantaged." (Author/JM)

ED 094090

ERIC/IRCD URBAN DISADVANTAGED SERIES
Number 39 August 1974

IMPLEMENTATION OF ESEA TITLE I: A PROBLEM OF COMPLIANCE

Milbrey W. McLaughlin
The Rand Corporation
Santa Monica, California

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY.

ERIC INFORMATION RETRIEVAL CENTER ON THE DISADVANTAGED

Institute for Urban and Minority Education
Teachers College, Columbia University
and
Educational Testing Service

UD 014 460

This paper is one in the ERIC/IRCD Urban Disadvantaged Series produced by the ERIC Information Retrieval Center on the Disadvantaged under Contract OEC-0-9-420088-2327 between the National Institute of Education (DHEW) and Teachers College, Columbia University. It has been assigned the ERIC/IRCD accession number UD 014 460 and is available without cost from

ERIC/IRCD
Teachers College, Columbia University
New York, New York 10027

during the period immediately following publication; thereafter, it can be obtained from

ERIC Document Reproduction Service (EDRS)
Computer Microfilm International Corporation
P.O. Box 190
Arlington, Virginia 22210

In ordering from EDRS, use the document's assigned ED number. The paper will be abstracted in a monthly issue and announced in the semi-annual and annual indexes of Research in Education (RIE). Its ED ordering number will be listed in these indexes or can be obtained by writing to ERIC/IRCD.

The material in this publication was prepared pursuant to a contract with the National Institute of Education, U.S. Department of Health, Education and Welfare. Contractors undertaking such projects under Government sponsorship are encouraged to express freely their judgment in professional matters. Prior to publication, the manuscript was submitted to the Center for Policy Research for critical review and determination of professional competence. This publication has met such standards. Points of view or opinions, however, do not necessarily represent the official view or opinions of either the Center for Policy Research or the National Institute of Education.

IMPLEMENTATION OF ESEA TITLE I: A PROBLEM OF COMPLIANCE*

Ratification of the massive 1965 Elementary and Secondary Education Act (ESEA) caused much excitement and self-congratulation in Washington and throughout the country. ESEA resolved the historical log jam of opposition to Federal aid for education, and most legislators were confident that Title I of that Act, which targets over $1 billion annually to "meet the special educational needs of disadvantaged children," would reform the educational services available to the Nation's poor children. Reformers expected that Title I would, in the short run, stimulate the development of special programs that would compensate for educational disadvantage, thereby equalizing the academic attainment of poor children and their more advantaged peers. In the long run, it was hoped that this compensatory strategy would "break the cycle of poverty" and equalize life-time opportunities.

The high expectations which surrounded the passage of Title I were based on a number of assumptions:

- Schoolmen knew what to do with the new resources and would be able to use them to design and implement special compensatory programs.
- The infusion of new resources into the Nation's local school districts would lead to educational reform from within and through

---

*I would like to acknowledge the very useful contributions of Paul Berman (The Rand Corporation), David Cohen (Harvard University), Erwin Flaxman (ERIC/IRCD) and Edward Merrow (UCLA) to the development of this paper.

the existing system.

Thus, the passage of ESEA Title I embodied not only the high hopes of reformers, but also an implicit challenge to the Nation's school system. Title I implied that current practices are inadequate and the schools were given the assignment of self-renewal.

However, almost a decade after the passage of Title I, and despite a few more optimistic judgments to the contrary,[1] the general verdict is that educators have not successfully met that challenge--that Title I has "failed" as an instrument of national policy. The evaluations that have contributed to this conclusion have focused on the impact of Title I and have tried to assess the effect of Title I programs on target children. Without exception, these national evaluations have been unable to identify how participation in Title I programs or the expenditure of Title I funds have affected target children.[2] The "conventional wisdom" and the opinions of many legislators are summed up by President Nixon in his 1970 education message to Congress:

> We must stop letting wishes color our judgments about the educational effectiveness of many special compensatory programs when--despite some dramatic and encouraging exceptions--there is growing evidence that most of them are not yet measurably improving the success of poor children in school.

The evidence of these national evaluations of the impact of Title I can be interpreted in a number of ways. Many saw the results of these evaluations as evidence that Coleman was right, that "schools can't work" to overcome the educational disadvantages coincident with poverty. As Alice Rivlin remarked in reference to the G. E. TEMPO study of Title I:

> [This study] added to the layman's impression that compensatory education doesn't work and led some to believe that "there is nothing we can do through education that will help poor children."[3]

And advocating the redirection of resources allocated to education to other social service areas as a more effective Federal investment, Daniel Moynihan commented,

> We had thought (as legislation such as Title I was passed) we knew all that really needed to be known about education in terms of public support, or at the very least that we knew enough to legislate and appropriate with a high order of confidence... We knew what we wanted to do in education and we were enormously confident that what we wanted to do could work. That confidence...has eroded.... We have learned that things are far more complicated than we thought. The rather simple input-output relations which naively no doubt, but honestly, we had assumed to obtain in education simply, on examination, did not hold up. They are not here.[4]

Others saw the results of Title I evaluations not as evidence that education is ineffective as a social intervention strategy, but as an indication that the existing educational technology was inadequate and underdeveloped. This view led to support for the development of the National Institute of Education on the assumption that many of the shortcomings in educational practice for the disadvantaged could be remedied by concentrating more time and energy on basic research and educational theory development. President Nixon saw the disappointing results of these evaluations in this manner:

> We must stop pretending that we understand the mystery of the learning process, or that we are significantly applying science and technology to the techniques of learning.... When educators, school boards and Government officials alike admit that we have a good deal to learn about the way we teach, we will begin to climb the staircase toward genuine reform.... The purpose of the National Institute of Education would be to begin the serious, systematic search for new knowledge needed to make educational opportunity truly equal.[5]

There is yet another interpretation, however, that makes judgments about the effectiveness of schooling as an anti-poverty strategy, or about the success of

existing educational technology, somewhat premature, or at least moot. It is possible that Title I programs, as they have been evaluated, have never existed--that Title I has not yet been implemented as intended by reformers. Thus, the failure of Title I in this instance is not so much a failure of special programs, but a failure of a Federal policy to bring about these programs on the local level.

The area between inputs and outputs--the implementation stage--is relatively unexplored in all social service areas, and is only recently beginning to receive attention in the area of education. But evidence exists that makes doubt about the implementation of Title I more than just an academic speculation following from a logical possibility.[6] For example, Wargo and his colleages at the American Institutes for Research concluded in the most recent comprehensive evaluation of Title I,

> National level data indicated that (a) most states and many LEAs [local educational agencies] have failed to implement their programs in full compliance with existing regulations, guidelines and program criteria; (b) funds and services have been underallocated for academic programs, overallocated for supportive (nonacademic) services, and misallocated to children without critical needs for compensatory services; (c) there is little evidence at the national level that the program has had any positive impact on eligible and participating children.
>
> The national level data that indicate a disregard for Title I regulations, guidelines and program criteria suggest that ESEA Title I has never been implemented nationally as intended by Congress.... Full compliance to enacting legislation will be required before the national compensatory education program intended by ESEA Title I can be fairly assessed.[7]
>
> Even as late as June 1971, 37 states (74%) were known to be in non-compliance with the law.[8]

Questions about the implementation (or lack of implementation) of ESEA Title I raise questions about another assumption made by reformers as Title I was

passed--that the legislation would be in some sense "self-executing," and Federal intent would be translated into local practice through the existing regulations and guidelines. Lawmakers expected that local and state education personnel would comply with the intent and spirit of the new law and that--ipso jure--innovative practices for education of the disadvantaged would be designed and implemented. Questions about how Title I dollars are spent once they reach the local level thus involve issues about the ability and inclination of local (or state) officials to comply with the law and, as part of that compliance, to establish innovative compensatory programs for poor children.

In this essay I intend to address the problem of implementation by looking at the notion of compliance--what it assumes and how these assumptions square with the reality of the Title I policy system, particularly the Local Educational Agency (LEA).

Compliance

There are at least four factors which are assumed to promote compliance to policy directives. One is the existence of common goals. Shared and mutually understood objectives are expected to elicit behavior and activities on the part of subordinates that are comparable and congruent with the intent of the agency issuing the mandate or directive. A second factor thought to foster compliance is the presence of knowledge. This notion posits not only the existence of shared and reliable knowledge about means and consequences of alternative courses of action--how to most effectively or efficiently achieve an objective--but also assumes the availability of

information or feedback to superiors about the success of subordinates in carrying out policy directives. A third way is by offering incentives or disincentives--rewards or penalties contingent upon carrying out prescribed activities. A fourth way that compliance can be brought about is by the exercise of effective authority. Authority, as it is used here, denotes a relationship between individuals (or organizational units) of unequal resources. It exists or is effective to the extent that instructions or mandates of the superordinate are followed without eliciting quid pro quo sanctions or rewards. That is, authority is a relationship based on the ability to reward or punish, but rewards and sanctions are removed to the background.

These four factors--goals, knowledge, incentives, and authority--are interrelated and interactive; none by itself is sufficient and each can be expected to influence compliance to some extent. In framing expectations about the impact of ESEA Title I on disadvantaged children, reformers anticipated that each of these factors would come into play and thereby ensure the effective implementation of this unprecedented Federal initiative. Incentives and authority were the formal mechanisms established to ensure compliance to the intent of the law. ESEA Title I established guidelines and regulations that were intended to constrain or limit the ways in which an LEA could spend Title I dollars. The legislation outlined sanctions for the misuse or inefficient use of these funds. A complex administrative machinery, which relied on the existence of effective authority, was set up to administer these regulations. In light of the cumulating evidence which raises serious doubts about the implementation of the Act, it is worth looking at each of these elements in turn and asking to what extent it shaped the implementation of Title I.

Common Goals

Reformers assumed that members of the Title I policy system--practitioners and policy makers--shared a common interest and concern for meeting the "special educational needs of disadvantaged children." In view of most participants in the drafting and passage of ESEA Title I, meeting these needs was the goal of the Act. While participants in the Title I policy system may have shared this overriding concern for the plight of disadvantaged youngsters, it is obvious that they did not all interpret the goals of the legislation in the same way--either at the broad level of formal program objective, or at the practical level of program focus.

For example, there was even no agreement within the Title I policy system regarding the broad categorical goals of the Act. Some legislators and a number of schoolmen (at both the SEA and LEA levels) saw the reform of Title I not in its promise to enhance the educational opportunities available to poor children, but simply in the fact of its ratification. To them, the categorical goal of the legislation--meeting "the special educational needs of disadvantaged children"--was an essentially symbolic not an operational objective. That is, the categorical language of the legislation was interpreted as a political expedient devised to overcome traditional opposition to Federal aid for education. By targeting funds to the individual child, the drafters of the Title I legislation were able to resolve the interest group conflicts (over such issues as race and church/state relations) that had historically blocked Federal education measures.[9] Thus, many viewed the categorical goals of the Act as necessary political diplomacy and operationally interpreted Title I as general aid to the schools. One participant in the Title I process commented:

> There was never a coherent perception of what Title I was on the Hill. Perkins saw it as general aid; Robert Kennedy saw it as project oriented. Morse saw it as general aid, but not to the degree Perkins did.... From the beginning, Title I has been seen as a political device for other things (lawmakers would like) to get done.[10]

Indeed, the use to which local districts have put Title I funds expresses the effective preference of many practitioners to utilize Title I as general aid. This is especially true in large, inner city schools where the financial squeezes caused by rising costs for staff, materials and maintenance have made budget balancing an act of high theatre.

Even within the categorical parameters established by the Act, LEA officials have interpreted the broad and ambiguous goals mandated by the legislation in many different ways. As the legislative history of Title I demonstrates, enhancing academic achievement was only one of the objectives articulated for Title I and only one of the many objectives stated by local programs. Local programs have framed goals for their Title I programs in such disparate terms as student health and nutrition, clothing needs, cultural enrichment, socialization skills and so on. A review of the local and national Title I evaluation evidence implies that the formal goals established for Title I are too vague and global to be operational or measurable. Even when these mandated goals have been viewed as more than symbolic, they have been variously interpreted at the local level and have resulted in programs expressing multiple and diverse objectives, which many see to be at odds with the intent of the law.

The explanation for the ambiguous goals set forth in the Title I legislation is essentially political. It is rooted in federalism and in the country's traditional beliefs in pluralism which nowhere have been more cultivated and cherished than in the area

of education. These beliefs underlie and foster an ethos of local control of education and concomitant fear of and resistance to Federal involvement in local school affairs. Drafters of ESEA were painstakingly careful to eliminate any language in the legislation which might anger important educational interest groups and thereby endanger the fragile coalition which had been established to ensure swift passage of President Johnson's landmark education bill. The goals for ESEA Title I were written to allow a maximum amount of latitude and discretion as the program was implemented at the local level. How these vague program objectives would be specifically met, reformers assumed, would be worked out at the implementation stage with the assistance and oversight of USOE. In its regulations, however, USOE made the intent of Title I no more specific than a definition of a Title I project as "an activity, or a set of activities, proposed by a State or local educational agency or the Department of Interior and designed to meet certain of the special educational needs of certain educationally deprived children."

The character of the Title I objectives is also symptomatic of the pervasive Federal tendency to conceive and express the goals of social programs in unqualified and idealistic terms. Such goal statements not only generate expectations which are unlikely to be met, but also give scant direction to the people or the organizations who are expected to implement them.[11]

In summary, the shared and operationally intelligible goals which are expected to promote compliance do not seem to exist in the instance of ESEA Title I. Although a few states, such as California and Connecticut, have more narrowly focused the objectives for Title I and the uses to which the monies may be put, most SEAs and LEAs have only overarching and insufficiently specified statements of Title I objectives to

guide local activities and against which to measure the success of their efforts.

Knowledge

The knowledge necessary for compliance includes both knowing what to do and receiving feedback about the success or adequacy of the consequent activities. "Knowing what to do" implies not only that the subordinate has adequate tools and technology to carry out a directive, but also that he understands the rules of the game--that he has good information about what it is he is supposed to do.

Knowledge about Effective Treatment

In 1965, it was widely believed that the failure of disadvantaged children in schools could be remedied by the infusion of more money into special compensatory services. Educators argued and reformers expected that a number of promising strategies for the education of the disadvantaged existed--if not in fact, at least in the minds of schoolmen (who had been hampered in implementing these ideas only through lack of funds). Francis Keppel expressed this confidence in the ability of schoolmen to translate Title I dollars into effective programs in his testimony before the Senate Subcommittee hearings on ESEA in 1965. He presented evidence of "promising strategies" to the Committee which he argued showed "heartening results:"

> Better than my words, these surveys show what the schools of our nation will do with the resources made available under Title I of the Elementary Act of 1965.
>
> These are descriptions of the kinds of programs that have already been undertaken by imaginative school systems, by school systems under the support of private foundations and others, to show that the type of programs which could be undertaken by Title I could be effective. I think we have some impressive facts here, sir, some impressive facts that when special attention is paid to a variety of educational

problems of children from low-income families, that they can work.[12]

But, in fact, in 1965 schoolmen did not know what to do. At that time, the special and complex problems of the disadvantaged were not well understood and only a handful of LEAs had on-going compensatory education on the books. Although some schoolmen may have had ideas about compensatory strategies which they hoped might prove effective, there was little reliable knowledge in 1965 about successful compensatory education programs. Title I thus asked schoolmen to launch an activity in what was essentially an uncharted area and to implement successful programs for the very group of children the schools historically had seemed least able to help. Furthermore, the institutional isolation of school districts (and, indeed, schools within districts) meant that what knowledge about promising strategies did exist was not shared or disseminated. One of the most important assumptions underlying the expectations of reformers--that "schoolmen knew what to do"--finds little support in reality. Even assuming clearly specified goal statements, schoolmen had insufficient knowledge to implement the objectives of the program with any large measure of confidence or success.

Information about the "Rules of the Game"

As even a cursory review and almost any school administrator will suggest, the "rules of the game" in the instance of Title I are vague, often contradictory, fugitive, and involve overlapping and amorphous definitions.

For example, a State or local program manager seeking to determine the meaning of "project area" will find himself confronted with imprecise terminology, fuzzy relationships and ambiguous delineations of responsibility within the Title I

regulations and guidelines. A recent study concluded:

> There are inconsistencies both within and across various publications. Terms are overlapping and often interchanged in a confusing manner. Examples include (especially within the USOE material) the seemingly random use of "selected attendance areas," "target areas," and "project areas." "Attendance areas" and "attendance units" are also used interchangeably. Additionally, it is sometimes difficult to relate certain terms to their corresponding counterparts in other Title I material.[13]

Furthermore, although Federal documents require local agencies to undertake a "needs assessment," the term is never clearly defined. In some publications, only economic need is considered. Other documents refer to educational deficits. And the level of focus is never specified. The regulations do not make it clear whether the needs assessment is to focus on the participating child, the designation of eligible "project areas," or what part the resulting analysis is to play in the design of Title I projects.

At yet another level, a school administrator cannot be sure, in reading the Title I documents, which guidelines are mandates and which are merely suggestions:

> Requirements of actual Title I projects are a mixture of general and special directives, and "suggestions." The terminology is sometimes precise and sometimes quite the opposite. Many directives in USOE publications contain the verb "should" rather than the legally appropriate "shall" or "must." The case can be made that a phrase such as "resources should be concentrated on those children..." (Program Guide #44, Sect. 4.2) is more a suggestion than a mandatory regulation.[14]

A multitude of examples can be marshalled to illustrate the confusing and imprecise terminology which describes the parameters of compliant behavior. These inconsistencies and ambiguities do little to clarify the requirements from the Federal project manager's or school superintendent's point of view.

Responsible individuals at the local level are not even aided by the existence

of a handy guide to the administration and implementation of Title I. A conscientious administrator must possess a small library of Federal and State documents if he is to be up-to-date on the latest Title I requirement. The rules and regulations which govern Title I cannot be found in a single publication, but instead must be pulled together from the legislation and subsequent amendments, serial issues of State and Federal regulations, and various USOE publications, program letters and guidelines (many of which are not passed on to LEAs by the State Educational Agencies [SEAs]).

In summary, the fuzzy and confusing language of the regulations, combined with their inaccessibility, means that school administrators often face their first challenge in implementing ESEA Title I not in thinking about and planning effective strategies, but in simply trying to understand the rules of the game.

Feedback Information

The information which could permit State or Federal officials to assess local activities is generally not available. National evaluations have discovered that local educational agencies do not collect the fiscal and outcome data which would permit assessment of the impact of Title I, and that the mandated project evaluation scheme has resulted in anecdotal and promotional documents, not in objective project reports. But LEAs have had little incentive to do more than produce documents which highlight positive program accomplishments and obscure or minimize disappointments or failures. The result is an absence of objective and quantitative information which would allow evaluators, legislators or policy makers to assess the impact of Title I or determine the extent to which LEAs are complying with the intent of the law.

It seems, then, that the absence of shared and mutually understood goals in the instance of Title I is matched by a general lack of knowledge about effective treatments, about the rules of the game and about the activities and accomplishments of local Title I programs.

Incentives and Authority

The major and obvious incentive contained in ESEA Title I is money--a grant of Federal dollars which, theoretically, is contingent upon local compliance with the Act's rules and guidelines. The success of this financial incentive in producing compliant behavior depends on the existence of effective authority to oversee local choices and activities. How effective is the established authority in the Title I policy system?

Not very. Neither of the oversight agencies in the Title I policy system--the SEA or USOE--have enforced program regulations with much rigor, enthusiasm, or success. USOE's ineffectiveness as a monitor of local activities has multiple causes. A lack of Federal muscle became evident very early on in the dispute between USOE Commissioner Francis Keppel and Chicago's Mayor Richard Daley. In the first year of the Title I program, Commissioner Keppel requested that the City of Chicago return Title I money that USOE judged had been misused. Mayor Daley responded to Keppel's request with angry phone calls to the White House and to influential members of Congress, arguing that the Commissioner and USOE had overstepped bounds. Worried Congressmen pressed Keppel to withdraw this request in the interest of intergovernmental harmony and local control of education. USOE retreated and Keppel left government service.

The Keppel/Daley affair, however, merely served to reinforce the traditionally timid and passive USOE position toward the states and local school districts.[15] In addition, responsibility for the administration of ESEA was given to the understaffed Bureau of Elementary and Secondary Education (BESE) whose definition of the USOE role as "checkwriter" was as much a result of the limitations imposed by day-to-day crises as traditional patterns of relationships.

Nor did the SEAs take up the slack resulting from USOE's lassiez-faire administration of Title I--for similar reasons. Title I accounts for but a small portion of the SEA's budget, and target children a small percentage of State school children. SEAs must deal with LEAs on numerous more far reaching issues such as accreditation, licensing, school finance and the like. Just as USOE was reluctant to jeopardize its familiar pattern of relationships with the States, the SEAs have been generally unwilling to destroy good working relationships with the local districts over issues relating to Title I. Questions of local compliance to Title I guidelines are relatively small potatoes compared to the other day-by-day concerns of the SEA. Bayla White has commented on the general lack of attention paid by most SEAs to local program development and compliance:

> The state is responsible for monitoring local operations to see that they conform to the letter and spirit of the law....
>
> States send out evaluation guidelines or requests for information to the LEAs long after the school year has begun. Since the local projects are already underway, the state is in a very poor position to influence either the evaluation design or the kind of information maintained in the Title I projects. States are required by the Office of Education to supply data on the effect of Title I on student achievement. But most states merely collect whatever test data exist, as opposed to requiring uniform testing or the use of selected tests.

> The evaluation reports filed by the LEAs reach the state officials long after decisions on project approval for the next year are made.[16]

A further factor contributing to ineffective monitoring and enforcement is the informal professional structure of the educational policy system--from USOE to the LEA. The tenets of "professionalism" within this bureaucratic system are stronger than formal rules or explicit responsibilities. Levine has remarked:

> For reasons ranging from professional doctrine through political peace keeping, the professionals at any level are reluctant to rock the boat, yet Title I to effect change--must do considerable rocking.[17]

For any or all of these reasons, then, the SEAs do not concern themselves much more than USOE with monitoring and enforcing LEA compliance to Title I guidelines. Consequently, there exists little effective authority, and the responsibility for overseeing the use of Title I funds has slipped between the cracks of the Title I policy system. The result of the effective withdrawal of USOE and the SEAs from overseer roles has been an administrative vacuum in which the determination of Title I policy is left to the very unit supposedly subject to oversight--the LEA. The financial incentive embodied in Title I is not effective because the receipt of Federal money is not in fact contingent upon compliant behavior. Consequently, LEAs tend to see ESEA Title I as an entitlement and implementation of the Act reflects predominantly <u>local</u> not <u>national</u> interests, goals, and priorities.

Since the authority upon which the incentives depend is essentially non-operational, the important question then becomes: To what extent is there motivation at the local level to comply with the intent and guidelines of ESEA Title I?

Local Self-Interest

Anthony Downs has remarked that bureaucratic officials try to attain their goals rationally. In practical terms, this means that whenever the cost of achieving a particular objective rises in terms of time, money and amount of effort required, bureaucrats generally will seek to attain less of that goal--other things being equal. From a purely cost/benefit point of view, there is generally little incentive for a local school administrator to comply with the letter of the Title I law. That is, the costs involved in complying with Title I guidelines are--in the view of the local school administrator--often greater than the rewards.

Title I dollars are supposed to represent new resources for disadvantaged children. These dollars are not intended to supplant or replace local expenditures, but are expected to provide additional, compensatory resources for the educationally disadvantaged. Title I guidelines require that local base expenditures for target children and other children in the district be comparable and that Title I dollars, consequently, provide extra help for target children--"Special Educational Programs." In what Michael Kirst calls the "Byzantine" world of school accounting, however, it is extremely difficult to determine if or in what form Title I dollars reach the target population. It is hard to follow the course and impact of any given dollar of an outside funding source through a school system, particularly in the large school system of the sort receiving Title I money. Typically, school administrators engage in "multi-pocket budgeting"[18] in an effort to economize resources. When a school district has numerous sources of income, each with different categorical purposes and restrictions attached to its use, it is relatively simple for administrators to use

funds available to the district to fund their own priorities and interests, rather than comply with the intent of the suppliers of special funds.

The theoretically restricted or targeted revenues may be allocated first to nominally coincident categorical activities within the school district's normal and existing concerns. This allocation frees the district general funds--or hard money--to fund priorities of particular local concern and interest. In such a situation, it is hard to assess the extent to which external funding sources such as Title I have been "symbolically allocated"--that is, have simply been used to replace local funds that would have normally been used in that way; or to what extent it has been a "catalytic allocation," encouraging additional local expenditures; or to what extent "perfect allocation" has occurred--that is, the restricted funds being added onto existing programs without either reduction in other line item funding, or addition of new line items congruent with local concerns but outside the scope of the restricted aid.[19]

In the absence of the enforcement guideline, a large number of local districts tend to see Title I funds as functionally "untied" to categorical goals and thus use them as general aid--symbolically allocating this money to special Title I services. There are numerous reasons why this is so. Title I funds represent only a small percentage of an LEAs budget. Many school administrators feel that the hassle involved in the complex bookkeeping and accounting assumed by Title I regulations outweighs the benefits. As one local budget official has commented: "If I were offered a choice between $2 of general aid and $3 of categorical aid, I would choose the general aid. The extra dollar just isn't worth it."

But, even if the accounting and targeting hassles were somehow solved, a large number of school districts would probably continue to use Title I as general aid since, in the view of many school administrators, the fiscal needs of the school district are greater than the "special educational needs of disadvantaged children." Title I is predominantly aimed at high-density urban districts which have fewer resources and a lower tax base than their suburban neighbors. But, at the same time, these districts must meet higher costs in providing educational services--teachers salaries, building maintenance, ancillary student services and the like. Consequently, these districts respond to these fiscal pressures either by blatantly employing Title I as general aid or by stretching the categorical terms of the Act to its broadest possible intepretation. For example, whether or not a slide projector purchased with Title I funds is used for all children in a school or just for Title I eligible children is, of course, difficult for a Federal auditor to determine. Thus, the number of borderline instances in which Title I funds have been used as general aid may never be known. However, the number of "gross" misuses of Title I funds identified by Federal auditors indicates that the practice of using ESEA Title I as general aid is fairly widespread: "Misuse of Title I funds is considered 'severe' and when asked if this meant that it was 10 - 15 percent [DHEW] auditors thought it was substantially greater."[20]

Furthermore, in most school districts there exists no unitary interest group which could exert sufficient pressure in support of the categorical goals of Title I. The parents of poor children generally have little voice or effective power; what influence they might possess is usually overwhelmed by competing interests--of the

school board in achieving a balanced budget, of teachers in securing a general salary increase, of property owners in holding down tax increases and of the superintendent in keeping the entire school organization afloat. In most districts, the intent and operational directives of Title I legislation are eclipsed by more urgent and powerful demands of organizational maintenance or equilibrium. As commentators on decision-making in local school districts have noted, the choices and activities of the principal actors in an LEA are typically governed by a "bureaucratic rationality" that is the result of an overriding concern for institutional protection, maintenance and growth.[21]

But fiscal and administrative obstacles constitute only one set of reasons why LEAs are not inclined to use Title I funds to establish special compensatory programs. Implicit in the passage of Title I was the belief that schools thus far had failed to meet the needs of the target population and that new practices must be devised to accomplish the goals of the Act. But schoolmen did not know what to do to initiate successful programs and the incentives to design and implement innovative strategies are few to non-existent.

The first step in implementing an innovative strategy is the generation of support within the organizational setting. But there are few individuals within the local school organization who would be eager to assume the additional burdens inherent in developing and implementing new practices, in the absence of additional incentives to do so. Innovation, by definition, requires the acquisition of new skills, new organizational procedures, and extra time and work. Except for a dedicated minority who find reward merely in the attempt to provide better services for poor children, there are few compelling reasons for participants to expend greater

effort than they are otherwise required to expend. This is what Kenneth Clark calls the "Law of Economy of Effort." Certainly, the power of the teachers' unions is now explicitly directed toward conserving the energy and effort of teachers. And, in one large West Coast school district, principals were unwilling to remain in Title I schools--let alone initiate new programs. Until this district instituted positive incentives for an administrator to assume and retain a principalship of a Title I school (i.e., year-round schools and salary increments), principals were abandoning Title I schools annually. They saw no reason why they should be saddled with responsibility for the extra aides, volunteers and paper work that are attached to Title I when their colleagues down the street had to deal only with routine school operations.

Furthermore, the state of knowledge in education and the peculiarities of Federal funding practices reinforce the disinclination of school districts to implement new and innovative strategies. The opportunity costs are high when a district elects to launch an innovative program. Inherent in the adoption and implementation of any new strategy is the possibility of failure. A school administrator would like to be confident that a new strategy will work at least as well as the one it replaces, if not predictably better. Unfortunately, no such high order of validity or reliability exists in education. Research in educational treatments does not yield the same order of certainty as does a laboratory experiment. Many administrators, then, elect to maximize the possibility of making effective use of extra Title I dollars by sticking with familiar practices or using the funds to purchase technology (such as audio-visual equipment) to supplement existing programs. The state of the art of knowledge

in the area of education also means that a school administrator runs the risk of disruption in the local school setting if a new strategy fails. The visibility of a new strategy means that its failure will be also prominent--thereby generating dissatisfaction among the staff and parents. Consequently, many school administrators, after weighing the possible gains of implementing a new approach against the risk of failure and subsequent organizational fallout, often decide to simply expand or support current practices and their predictable consequences.

And there is no penalty attached to a failure to innovate. Schools operate in a non-market setting in which there is no inter-organizational competition for the "best product."[22] The school as an organization does not possess "profit maximizing" incentives; in fact, the "survival" of the institution is guaranteed by society. Consequently, within a school district, there is no impelling incentive to implement new practices; instead there are some persuasive reasons not to, insofar as the outcomes of innovation are uncertain and changing bureaucratic patterns require risk and additional (but unrewarded) effort.[23]

There is still another reason why the implementation of effective and innovative compensatory programs is the exception rather than the rule in most school districts: the character of the Federal funds themselves. The historical instability of Federal interests and initiatives leads most local school officials to view Title I commitments as unstable and the allocations as "soft money." Even though Title I is now more or less institutionalized and the possibility of complete withdrawal of Title I aid remote, the threat of significant and unpredictable reductions in local grants remains and is reinforced each funding cycle. Thus, school administrators

are hesitant to invest Title I resources in mainline educational efforts, which, of course, are the activities assessed by national impact evaluations and which, a priori, could be expected to result in significant change in the educational opportunities available to disadvantaged youngsters.

Taken together, these factors tend to support the "dynamic conservatism" (Schon), "organizational rigidity" (Hawley), and the "conservative tendency" (Coleman) which are said to characterize bureaucratic organizations generally, and schools particularly.[24] In the instance of ESEA Title I, the result has been the allocation of Title I resources for programs that are (1) more of the same and (2) ancillary to the central educational services of the school. Thus the American Institutes for Research (AIR) finding that "funds and services have been underallocated for academic programs, overallocated for supportive (nonacademic) services, and misallocated to children without critical needs for compensatory services" is not surprising in light of the dominant incentives shaping choices and activities at the local school level and in the absence of effective sanctions to behave otherwise.

Conclusions

No Federal program ever succeeds completely and only in the ideal do all of the factors promoting compliance--goals, knowledge, incentives and authority--function perfectly. But the slippage and ineffectiveness of these components in the instance of Title I seem extreme. Admittedly, this analysis has characterized a bit starkly those elements which could promote local compliance with Title I guidelines. Nonetheless, it seems evident that few of the factors that foster compliant

behavior are met in the instance of Title I: goals and guidelines are unclear, treatments are inadequate or underdeveloped, incentives to design or implement innovative strategies are few, categorical requirements conflict in important ways with local self-interest, and established authority is non-operational or powerless. Thus, the failure of local school districts to implement Title I as intended by law could have been predicted.

ESEA presented a challenge of self-renewal--of reform through and within the existing educational system. But the organizational supports that were necessary to reform did not exist. Innovation or reform is difficult to accomplish in any situation. For example, evaluations of ESEA Title III, the Ford Foundation "Lighthouse" projects, as well as other reports of efforts to implement innovations[25] all demonstrate that attempts to innovate are often pro forma and frequently disappointing--even when risk capital is available, organizational commitment and support exists, personal incentives are operant, and goals and treatments are clear and operational. The design and implementation of successful innovation--or reform--in the case of Title I, where none of these incentives or supports are present, would be an astonishing accomplishment. In fact, this analysis raises the possibility that LEAs are being held accountable for something that they probably cannot do, given the present arrangement of policies, resources, incentives and institutional structures.

But in response to evidence of failure on the part of LEAs to implement Title I, lawmakers have devised further mandates and Federal bureaucrats have written additional guidelines. These activities are based on a particular unrealistic view of administrative behavior. The present analysis suggests that promulgation of

additional rules and regulations holds little promise of making Title I more effective or notably improving compliance. The history of Title I demonstrates the limited ability (and interest) of Federal or State officials to use the sanctions they already possess. And, rooted as these attitudes are in national traditions of federalism and pluralism, it seems unlikely that they will change. Thus, a continued policy or legislative focus devising "tighter" rules and regulations does not seem to be a fruitful way to stimulate change or compliance.

Summary

ESEA Title I is one example of the general and serious problems which attend the conceptualization and implementation of broad-scale Federal social action programs. None of the difficulties which plague Title I are unique. One only need look at the experience of the Community Action Programs (CAP), or Title III of ESEA, or Title VI of the Civil Rights Act to find other cases of similar implementation and compliance problems. But the confluence of so many difficulties and organizational deficiencies in a single program is remarkable and has effectively crippled the Title I program from its inception.

This analysis suggests that the lack of local compliance with the guidelines and objectives of the Federal Title I program has multiple and interrelated causes. Educational objectives traditionally are foggy and unspecified; in the instance of Title I, these ill-defined goals existed in an undisciplined political system in which no superordinate, operational or widely accepted objectives were articulated that could impose some order on an inherently ambiguous situation. It is only slight

exaggeration to say that the Title I program (particularly in the early years) gave little direction beyond stating: There is a problem out there with the education of poor kids, do something about it.

But lack of clear goals would not have presented an insurmountable problem if there had existed a competent educational bureaucracy at the Federal (or State) level which could have established a set of operational objectives for the program and monitored LEA activities and accomplishments. However, this bureaucratic infrastructure or effective authority did not exist when Title I was passed and, in the absence of incentives to do so, has not subsequently been established.

The powerlessness of the nominal authority in the case of Title I is symptomatic of another difficulty encountered by Federal education programs generally. The history of local autonomy in the area of education exacerbates the always difficult process of establishing a workable set of incentives for those at the local level to implement Federal initiatives and directives. One of the basic assumptions of this essay (and one which I do not believe is at all heroic) is that local administrators will not comply with program guidelines simply because a distant figure in Washington issues them. If Federal programs are to be executed within the intent and spirit of the law, not only must the goals be understood in some rudimentary form, but some set of rewards and sanctions must be available to encourage compliance and punish misuse.

The factors which support compliance--goals, an incentive system, information feedback, reliable knowledge about effective strategies, and effective authority--are interdependent in their functioning. Weakness in any one aspect is likely to undermine the others; in the instance of Title I, each was deficient or unstable in

some respect. This interdependency greatly complicates any attempt to understand what went wrong with Title I. In fact, because of the problems encountered in the implementation of this Federal policy, it is very hard to conclude much of anything at all about the possible success or failure of Title I projects as anti-poverty strategies or about the differential effectiveness of educational programs for the disadvantaged. Instead, the disappointment of Title I must be viewed as a failure of Federal policy to stimulate these programs at the local level. Accordingly, one of the major lessons of Title I has to do with organizational incentives and imperctives. These must be acknowledged and met if broad-scale Federal initiatives such as Title I are to be implemented at all.

Thus the more immediate, and possibly more difficult, task for Federal educational policy makers is not just the identification of more effective educational treatments, but the formulation of incentives which would encourage local districts to establish "special educational programs for the disadvantaged."

FOOTNOTES

[1]N.B. Ralph W. Tyler, "The Federal Role in Education," The Public Interest, No. 34, Winter 1974, pp. 164-187.

[2]The major evaluations of Title I have been: Mosback, E.J. and others, "Analyses of Compensatory Education in Five School Districts: Summary," Santa Barbara, California, General Electric Company, TEMPO Division, 1968, processed; USOE, "Education of the Disadvantaged: An Evaluative Report on Title I of the Elementary and Secondary Education Act of 1965, Fiscal Year 1968;" Gene V. Glass, et al., "Data Analysis of the 1968-1969 Survey of Compensatory Education (Title I)," USOE, BESE, 1970.

[3]Alice M. Rivlin, Systematic Thinking for Social Action, Washington, D.C., The Brookings Institution, 1971, p. 83.

[4]Hearings on HR 33, HR 3606, and other related bills; pp. 7-8.

[5]U.S. House of Representatives, 91st Congress, 2nd Session, "Message from the President of the United States on Educational Reform," March 3, 1970, Document No. 91-267.

[6]See, for example, Washington Research Project and NAACP Legal Defense and Educational Fund, Inc., Title I of ESEA: Is It Helping Poor Children? NAACP Legal Defense and Educational Fund, Inc., An Even Chance: A Report on Federal Funds for Indian Children in Public School Districts; National Committee on the Education of Migrant Children, Wednesday's Children: A Report on Programs Funded under the Migrant Amendment to Title I of the Elementary and Secondary Education Act.

[7]Wargo, Michael J., et al., "Further Examination of Exemplary Programs in Educating Disadvantaged Children," American Institutes for Research, Palo Alto, California, July 1971, pp. 9-10.

[8]Ibid., p. 65.

[9]See Stephen K. Bailey and Edith K. Mosher. ESEA: The Office of Education Administers a Law, Syracuse: Syracuse University Press, 1965; Philip Meranto, The Politics of Federal Aid to Education in 1965: A Study in Political Innovation, Syracuse: Syracuse University Press, 1967.

[10]Interview, Staff Assistant to Senate Subcommittee on Education, October 1972.

[11]See Martha Derthick, New Towns In Town, The Urban Institute, Washington, D.C., 1972; Jeffrey L. Pressman and Aaron Wildavsky, Implementation, Berkeley, University of California Press, 1973.

[12]U.S. Congress, Senate Subcommittee on Education, "Hearings on Elementary and Secondary Act of 1965," 89th Congress, 1st Session, p. 881.

[13]Iris C. Rotberg and Alison Wolf; "Compensatory Education: Some Research Issues," Policy Studies Division, Division of Research, The National Institute of Education, May 1974; Appendix B, p. 7.

[14]Ibid., p. 9.

[15]See, for example, Frederick M. Wirt and Michael W. Kirst, The Political Web of American Schools, Boston: Little Brown, 1972.

[16]Bayla F. White, "The Role of Evaluation in Title I Program Management," paper presented at the National Academy of Public Administration Conference on Evaluation in Education Programs, Rockville, Maryland, May 26, 1972, p. 4.

[17]Robert A. Levine, Public Planning: Failure and Redirection, New York: Basic Books, 1972, p. 67.

[18]David O. Porter, The Politics of Budgeting Federal Aid, Beverly Hills: Sage Publications, 1973.

[19]This analysis draws heavily on Porter, op. cit.

[20]Ginsburg, Alan et al., "Title I of ESEA--Problems and Prospects," DHEW Paper, ca. 1970.

[21]See, for example, James S. Coleman, "Incentives in Education, Existing and Proposed," unpublished manuscript; Willis D. Hawley, "Dealing with Organizational Rigidity in Public Schools: A Theoretical Perspective," to be published as a Sage Professional Paper; Charles E. Bidwell, "The School as a Formal Organization," in James March (ed.), The Handbook of Organizations, Chicago: Rand McNally, 1965, pp. 992-1022; Joseph B. Giacquinta, "The Process of Organizational Change in Schools," in Fred N. Kerlinger, (ed.), Review of Research in Education, F.E. Peacock Publishers, Inc., Ithaca, Illinois, 1973, pp. 178-208.

[22]See John Pincus, "Incentives for Innovation in Public Schools," Review of Educational Research, No. 44, 1974, pp. 113-144.

[23]To this point, a number of economists have argued that one of the most important differences between market and non-market allocated goods is the amount of organizational and technological uncertainty attendant in the provision of non-market goods. In this view, this is one reason why such goods or services are not provided in a market, or are provided at a level considered sub-optimal. (See, e.g., Henry Levin, "Concepts of Economic Efficiency and Educational Production," Paper presented at the Conference on Education as an Industry, sponsored by the National Bureau of Economic Research, New York, June 4-5, 1971.)

[24]Donald A. Schon, Beyond the Stable State, New York: Random House, 1971; Hawley, op. cit.; Coleman, op. cit.

[25]Carlson, Richard O., Art Gallaher, Jr., Matthew B. Miles, Roland J. Pellegrin, and Everett M. Rogers, Change Processes in the Public Schools, Center for the Advanced Study of Educational Administration, University of Oregon, Eugene, Oregon, 1971; Goodlad, John I., et al., Behind the Classroom Door, Charles A. Jones, 1970; Gross, Neal C., Joseph Giacquinta and Marilyn Bernstein, Implementing Organizational Innovations: A Sociological Analysis of Planned Educational Change, New York: Basic Books, 1971; Smith, Louis M. and Pat M. Keith, Anatomy of Educational Innovation: An Organizational Analysis of an Elementary School, New York: John Wiley and Sons, Inc., 1971.